

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>CG/RM/97057W0</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/GB 98/ 01549</b>	International filing date (day/month/year) <b>27/05/1998</b>	(Earliest) Priority Date (day/month/year) <b>30/05/1997</b>
Applicant <b>KEMIN INDUSTRIES INC. et al.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 2 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. ☐ Certain claims were found unsearchable (see Box I).
2. ☐ Unity of invention is lacking (see Box II).
3. ☐ The international application contains disclosure of a **nucleotide and/or amino acid sequence listing** and the international search was carried out on the basis of the sequence listing
  - ☐ filed with the international application.
  - ☐ furnished by the applicant separately from the international application,
    - ☐ but not accompanied by a statement to the effect that it did not include matter going beyond the disclosure in the international application as filed.
  - ☐ Transcribed by this Authority

4. With regard to the title, ☐ the text is approved as submitted by the applicant  
☒ the text has been established by this Authority to read as follows:

**METHOD OF CO-CRYSTALLIZING A FOOD ADDITIVE**

5. With regard to the abstract,
  - ☒ the text is approved as submitted by the applicant
  - ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this International Search Report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is:

Figure No. \_\_\_\_\_ ☐ as suggested by the applicant.  
☐ because the applicant failed to suggest a figure.  
☐ because this figure better characterizes the invention.

☒ None of the figures.

## INTERNATIONAL SEARCH REPORT

International Application No

PCT 98/01549

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 A23L1/22

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A23L

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 052 919 A (AMSTAR CORP) 2 June 1982	1-8
Y	see page 9, line 11 - line 18; examples 14, 15, 19, 22	1-8
Y	US 5 576 042 A (FUISZ RICHARD C) 19 November 1996 see column 4, line 61 - column 5, line 3; example 4	1-8
Y	US 4 379 177 A (MCCOY STEPHEN A ET AL) 5 April 1983 see column 3, line 26 - line 56 see column 4, line 51 - line 56	1-8

☐ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

## \* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&amp;" document member of the same patent family

Date of the actual completion of the international search

14 September 1998

Date of mailing of the international search report

28/09/1998

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Bendl, E

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/98/01549

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0052919	A	02-06-1982	US 4338350 A	06-07-1982
			CA 1154628 A	04-10-1983
			JP 1337633 C	29-09-1986
			JP 57122759 A	30-07-1982
			JP 60056478 B	10-12-1985
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US 5576042	A	19-11-1996	AT 168243 T	15-08-1998
			AU 663526 B	12-10-1995
			AU 2719192 A	29-04-1993
			CA 2081248 A	26-04-1993
			DE 69226237 D	20-08-1998
			EP 0540460 A	05-05-1993
			FI 924787 A	26-04-1993
			JP 5331073 A	14-12-1993
			MX 9206165 A	01-08-1993
			US 5422136 A	06-06-1995
			US 5429836 A	04-07-1995
			US 5597608 A	28-01-1997
			US 5472731 A	05-12-1995
			US 5709876 A	20-01-1998
			US 5387431 A	07-02-1995
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US 4379177	A	05-04-1983	CA 1148020 A	14-06-1983
			EP 0022361 A	14-01-1981
			JP 56048859 A	02-05-1981

**FOR THE PURPOSES OF INFORMATION ONLY -**

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AL	Albania	ES	Spain	LS	Lesotho	SI	Slovenia
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EE	Estonia						

## PCT COOPERATION TREATY

FAXED TO C/RECEIVED

15 NOV 99

PCT

From the INTERNATIONAL BUREAU

1 JC  
2 DW

NOTICE INFORMING THE APPLICANT OF THE  
COMMUNICATION OF THE INTERNATIONAL  
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

To:  
GREAVES, Carol, Pauline  
Batchellor, Kirk & Co.  
2 Pear Tree Court  
Farringdon Road  
London EC1R 0DS  
ROYAUME-UNI

RECEIVED

11 DEC 1998

B. K. &amp; Co

Date of mailing (day/month/year)

03 December 1998 (03.12.98)

Applicant's or agent's file reference

CG/RM/97057WO J13449

IMPORTANT NOTICE

International application No.

PCT/GB98/01549

International filing date (day/month/year)

27 May 1998 (27.05.98)

Priority date (day/month/year)

30 May 1997 (30.05.97)

Applicant

KEMIN INDUSTRIES INC. et al

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:
- EP, US

In accordance with Rule 47.1(d), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:
- None

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on 03 December 1998 (03.12.98) under No. WO 98/53706

## REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

## REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 740.14.35

Authorized officer

J. Zahra

Telephone No. (41-22) 338.83.38

Form PCT/IB/308 (July 1998)

2363259

PCT

NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

GREAVES, Carol, Pauline  
Batchellor, Kirk & Co.  
102-108 Clerkenwell Road  
London EC1M 5SA  
ROYAUME-UNI

Date of mailing (day/month/year) 22 April 1999 (22.04.99)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference CG/RM/97057WO	
International application No. PCT/GB98/01549	International filing date (day/month/year) 27 May 1998 (27.05.98)

1. The following indications appeared on record concerning:		
<input type="checkbox"/> the applicant	<input type="checkbox"/> the inventor	<input checked="" type="checkbox"/> the agent
<input type="checkbox"/> the common representative		
Name and Address GREAVES, Carol, Pauline Batchellor, Kirk & Co. 2 Pear Tree Court Farringdon Road London EC1R 0DS United Kingdom	State of Nationality	State of Residence
	Telephone No. 44 171 253 1563	
	Facsimile No. 44 171 253 12 14	
	Teleprinter No.	
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:		
<input type="checkbox"/> the person	<input type="checkbox"/> the name	<input checked="" type="checkbox"/> the address
<input type="checkbox"/> the nationality		
<input type="checkbox"/> the residence		
Name and Address GREAVES, Carol, Pauline Batchellor, Kirk & Co. 102-108 Clerkenwell Road London EC1M 5SA United Kingdom	State of Nationality	State of Residence
	Telephone No. 44 171 253 1563	
	Facsimile No. 44 171 253 12 14	
	Teleprinter No.	
3. Further observations, if necessary:		
4. A copy of this notification has been sent to:		
<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned	
<input type="checkbox"/> the International Searching Authority	<input checked="" type="checkbox"/> the elected Offices concerned	
<input checked="" type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:	

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  Athina Nickitas-Etienne
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

# PATENT COOPERATION TREATY

**PCT**

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

United States Patent and Trademark  
Office  
(Box PCT)  
Crystal Plaza 2  
Washington, DC 20231  
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

<b>Date of mailing (day/month/year)</b> 13 April 1999 (13.04.99)	
<b>International application No.</b> PCT/GB98/01549	<b>Applicant's or agent's file reference</b> CG/RM/97057WO
<b>International filing date (day/month/year)</b> 27 May 1998 (27.05.98)	<b>Priority date (day/month/year)</b> 30 May 1997 (30.05.97)
<b>Applicant</b> SAS, Benedikt et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

30 December 1998 (30.12.98)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

<b>The International Bureau of WIPO</b> 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No.: (41-22) 740.14.35	<b>Authorized officer</b>  S. Mafla  Telephone No.: (41-22) 338.83.38
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# PATENT COOPERATION TREATY

## PCT

REC'D 16 SEP 1999

WIPO PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CG/JO/97057WO	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB98/01549	International filing date (day/month/year) 27/05/1998	Priority date (day/month/year) 30/05/1997
International Patent Classification (IPC) or national classification and IPC A23L1/22		
Applicant KEMIN INDUSTRIES INC. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand  30/12/1998	Date of completion of this report  5. 09. 99
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  Bendl, E  Telephone No. +49 89 2399 8637  



# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB98/01549

## I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

### Description, pages:

1-8 as originally filed

### Claims, No.:

1-8 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Yes:	Claims	1-5
	No:	Claims	6-8
Inventive step (IS)	Yes:	Claims	1-5
	No:	Claims	6-8
Industrial applicability (IA)	Yes:	Claims	1-8
	No:	Claims	

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB98/01549

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**2. Citations and explanations**

**see separate sheet**

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/GB98/01549

Item V \_\_\_\_\_

Novelty

- 1.) The subject - matter of Claims 6-8 on file is not considered to meet the requirements for novelty, because document D1 (EP-A-0 052 919) describes cocrystallized products comprising a salt, a food additive and a sugar as well as their admixture with other food ingredients. From the various examples of D1 only some compositions will be mentioned below:
- 2.) Example 22 reports on the use of a cocrystallized mix for preparing a cake. For preparing such a cocrystallized mix ingredients including dry milk were mixed with supersaturated sugar syrup. As is known to the skilled person dry milk contains (non-toxic) soluble salts. However, Example 22 is only one of the examples destroying novelty of the subject - matter of the product-claims on file. In the other examples (e.g. Examples 16, 19-20) the ingredients mentioned on file are disclosed as well.

Inventive step

- 1.) Even if the requirements for novelty were met the subject - matter of Claims 6-8 still would not involve an inventive step, because the only requirements are the presence of the ingredients (non-toxic soluble salt, food additive, sugar) and the cocrystallization (in general). The claims have not been restricted to the products obtained by the process of Claim 1. Since D1 - see page 9, lines 11 - 18, D2 (US-A-5 576 042) - see col.4, line 63 - col.5, line 3, Example 4 and D3 (US-A-4 379 177) - see col.3, lines 39 - 56 and col.4, lines 51-55 recommend to entrap compounds by cocrystallization the subject - matter of Claims 6 - 8 would not involve an inventive step.
- 2.) Dependent claims can only be formally regarded as meeting the requirements for novelty and inventive step if they refer to an independent claim which meets these requirements.

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/GB98/01549

- 3.) However, the proposed method according to Claims 1-5, wherein the carrier particles are partially dissolved has not been proposed in the available prior art documents. Thus, an inventive step can be conceded for the subject - matter of Claims 1-5.

**Item VIII -----**

Units of weights and measures should be expressed as required by Rule 10.1PCT, the original specific values or ranges remaining alongside the SI - units